

## **REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1-12 are pending. Claims 1, 6 and 8-12 are amended in this paper. Support for this amendment is provided throughout the Specification, specifically at paragraphs [0136].

No new matter has been introduced. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

### **II. SUPPORT FOR THE AMENDMENT**

Citations to Figures and Specification locations are provided. However, such citations are provided merely as examples and are not intended to limit the interpretation of the claims or to evidence or create any estoppel.

As an example, support of the amendment can be found at paragraph [0136] of the Specification, which is reproduced as follows:

“[0136] The EM data indicate the position of a good shot (picture) designated when the video data in question were recorded in the video data within the body data. The EM data are located within the data corresponding to the respective picture in the body data shown in FIG. 3.”

### III. REJECTIONS UNDER 35 U.S.C. §101 AND §103(a)

Claims 8-12 were rejected under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter.

Claims 1-12 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent Application Publication No. 2002/0181938 to Tsumagari et al. (hereinafter, merely "Tsumagari") in view of Chadwick (hereinafter, merely "Chadwick").

### IV. RESPONSE TO REJECTIONS

#### A. Response to Rejections Under 35 U.S.C. §101

Claims 8-12 are amended, thereby obviating the rejections.

#### B. Response to Rejections Under 35 U.S.C. §103(a)

Independent claim 1 recites, *inter alia*:

**"...wherein the identification data item includes essence mark data indicating a position of a predetermined picture in the predetermined data item, the picture being determined when the predetermined data item is added to the target data."**  
(emphasis added)

Applicants respectfully submit that Tsumagari and Chadwick, taken either alone or in combination, fail to disclose or suggest the above identified features of claim 1. Specifically, nothing is found that teaches or discloses wherein the identification data item includes essence mark data indicating a position of a predetermined picture in the predetermined data item, the picture being determined when the predetermined data item is added to the target data, as recited in claim 1.

Indeed, claim 1 recites essence mark data in the identification data item indicating a position of a predetermined picture in the predetermined data item, the picture being determined when the predetermined data item is added to the target data. Nothing in the references cited by the Office action discloses or suggests the above-identified features of claim 1.

Therefore, for at least the above discussed reasons, claim 1 is patentable.

Since claims 6 and 8-12 are similar, or somewhat similar, in scope to claim 1, claims 6 and 8-12 are patentable for similar, or somewhat similar, reasons.

#### **V. DEPENDENT CLAIMS**

Since the other claims are each dependent from one of the independent claims discussed above, they are also patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

Similarly, because Applicants maintain that all claims are allowable for at least the reasons presented hereinabove, in the interests of brevity, this response does not comment on each and every comment made by the Examiner in the Office Action. This should not be taken as acquiescence of the substance of those comments, and Applicants reserve the right to address such comments.

#### **CONCLUSION**

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Please charge any additional fees that may be needed, and credit any  
overpayment, to our Deposit Account No. 50-0320.

Respectfully submitted,  
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